

### **REMARKS**

Claims 1, 3, 5, 7-11, 13-19 and 21-44 are pending. Claims 2 and 6 have been canceled. Claims 1, 11, 13, and 19 have been amended to include the subject matter of claim 2. Claim 3 has been amended to depend from claim 1. Claims 21-44 have been added. Claims 21-30 are system claims claiming the same subject matter as method claims 3, 5, 7-10, 13-15, and 17, respectively. Claim 31 is a combination of claims 1 and 5, thus placing claim 5 in independent form. Claims 32-37 are dependent method claims including the same subject matter as claims 2, 3, and 7-10, respectively. Claims 38-44 are system claims including the same subject matter as new claims 31-37, respectively. No new matter has been entered and no new issues have been raised by these claim amendments.

#### **Double Patenting Rejection**

The Examiner has objected to claim 6 under 37 C.F.R. 1.75 as being a substantial duplicate of claim 5. Claim 6 has been canceled. Withdrawal of the objection to claim 6 is solicited.

#### **Rejection Under 35 U.S.C. §112, Second Paragraph**

Claims 1-11 and 19 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite due use of the language “selected from a group comprising” in claims 1, 11, and 19. Claims 1, 11, and 19 have been amended to recite “wherein the physical parameter is a moisture condition of the fingertip and/or an applied pressure of the fingertip.” This language is believed to be clear and definite and withdrawal of the rejection of claims 1-11 and 19 is solicited.

#### **Rejections Under 35 U.S.C. §102(e) and §103(a)**

Claims 1 and 19 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Takahashi (US 6,845,173) (“Takahashi”). Also, claim 11 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Yau et al. (US 6,876,757) (“Yau”). Claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yau in view of Takahashi. However, the Examiner indicated that the subject matter of claims 2, 3, 5-10, and 14-18 is allowable over the prior art.

Independent claims 1, 11, 13, and 19 have been amended to overcome the rejections over Takahashi and Yau by incorporating the subject matter of claim 2 into independent

claims 1, 11, 13, and 19. In particular, independent claims 1, 11, 13, and 19 have been amended to specify that the claimed comparison and image-processing processes involve “different image processing steps for different determined values.” For example, the fingerprint images are processed differently if they are moist compared to when they are dry. As the Examiner has previously indicated claim 2 to be allowable over the art of record since the art “does not disclose or suggest the comparison process [involving] different image processing steps for different determined values, as claimed,” the proposed amendments to independent claims 1, 11, 13, and 19 are believed to place these claims in condition for allowance. Claim 2 has been canceled and claim 3 has been amended to depend from claim 1 instead of claim 2. In view of the incorporation of allowable subject matter from dependent claim 2 into independent claims 1, 11, 13, and 19, withdrawal of the prior art rejections of claims 1, 11, 13, and 19 is solicited.

New system claims 21-30 are believed to be allowable for the same reasons as counterpart method claims 3, 5, 7-10, 13-15, and 17.

Also, given the Examiner’s indication that claim 5 is allowable over the art of record since the art “does not disclose or suggest that different biometric templates are selected for different determined values, as claimed,” new independent claims 31 and 38 and all claims dependent thereon are believed to be in condition for allowance.

Applicant appreciates the Examiner’s indication that claims 2, 3, 5-10, and 14-18 contain allowable subject matter. In view of the above, all of pending claims 1, 3, 5, 7-11, 13-19 and 21-30 are now believed to be in condition for allowance.

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**PATENT**

**Conclusion**

The present response is believed to obviate all rejections and objections of record.  
Issuance of a Notice of Allowability is respectfully requested.

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